

ASSEMBLY BILL

No. 2186

Introduced by Assembly Member De Leon

February 18, 2010

An act to amend Section 12094 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2186, as introduced, De Leon. Firearms.

Existing law makes it an offense for any person, with knowledge of any change, alteration, removal, or obliteration, to buy, receive, dispose of, sell, offer for sale, or to have in his or her possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12094 of the Penal Code is amended to
2 read:

3 12094. (a) ~~Any~~ Every person with knowledge of any change,
4 alteration, removal, or obliteration described herein, who buys,
5 receives, disposes of, sells, offers for sale, or has in his or her
6 possession any pistol, revolver, or other firearm ~~which~~ that has

1 had the name of the maker, model, or the manufacturer's number
2 or other mark of identification including any distinguishing number
3 or mark assigned by the Department of Justice changed, altered,
4 removed, or obliterated is guilty of a misdemeanor.

5 (b) Subdivision (a) does not apply to any of the following:

6 (1) The acquisition or possession of a firearm described in
7 subdivision (a) by any member of the military forces of this state
8 or of the United States, while on duty and acting within the scope
9 and course of his or her employment.

10 (2) The acquisition or possession of a firearm described in
11 subdivision (a) by any peace officer described in Chapter 4.5
12 (commencing with Section 830) of Title 3 of Part 2, while on duty
13 and acting within the scope and course of his or her employment.

14 (3) The acquisition or possession of a firearm described in
15 subdivision (a) by any employee of a forensic laboratory, while
16 on duty and acting within the scope and course of his or her
17 employment.

18 (4) The possession and disposition of a firearm described in
19 subdivision (a) by a person who meets all of the following:

20 (A) He or she is not prohibited from possessing firearms or
21 ammunition pursuant to Section 12021 or 12021.1 or paragraph
22 (1) of subdivision (b) of Section 12316 of this code, or Section
23 8100 or 8103 of the Welfare and Institutions Code.

24 (B) The person possessed the firearm no longer than was
25 necessary to deliver the same to a law enforcement agency for that
26 agency's disposition according to law.

27 (C) If the person is transporting the firearm, he or she is
28 transporting the firearm to a law enforcement agency in order to
29 deliver the firearm to the law enforcement agency for the agency's
30 disposition according to law.

31 (D) If the person is transporting the firearm to a law enforcement
32 agency, he or she has given prior notice to the law enforcement
33 agency that he or she is transporting the firearm to that law
34 enforcement agency for that agency's disposition according to
35 law.

36 (E) The firearm is transported in a locked container as defined
37 in subdivision (d) of Section 12026.2.